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Appendix III.

[Vide answer to starred question No. 100 asked by Sri Rao Bahadur N. R. Samiappa Mudaliyar on behalf of Khan Bahadur T. M. Moidu Sahib Bahadur at the meeting of the Legislative Council held on the 14th December 1938, page, 195 supra.]

I

G.O. No. 2688, L.A., dated 13th July 1938.

Complaints were received from some of the members of the Kodavasal Panchayat Board that the administration was not carried on right lines. Sri V. Narasimhachariar, the Deputy Inspector of Municipal Councils and Local Boards, inspected the panchayat board on the 28th and 29th May 1938 and has brought to notice of Government the following irregularities:—

(1) The board is torn by factions. The president has only four adherents while the opposition party is in a majority and consists of eight members and does not co-operate with the president and obstructs the smooth working of the panchayat. This has resulted often in a dead-lock in the administration of the board. The opposition allows only such business as it has a mind to allow and the consideration of several important subjects on the agenda is adjourned for no reasons whatever. Meetings were not held in February 1937 and May 1938. A no-confidence motion was also moved by a member of the opposing party and seconded by the vice-president. The president ruled out this but made no record of it in the minutes book.

(2) In December 1937 the budget for 1938–39 was placed before the board but it chose to refer it to a sub-committee which did not meet though the president made attempts to convene meetings. Since October 1937 the opposition has been insisting upon the president to resign his office. The president feared not without reason that the budget would not be passed by the board. He therefore fixed the meeting on 12th May 1938 at a time when he was sure that certain members of the opposition would be away from the town and when he could get the budget passed, if necessary by the use of his casting vote. An allegation has been made that he had not issued notices for the meeting to all the members but it is observed that this allegation is not true. The president had sent notices of this meeting to all the members and had obtained certificates of posting. Yet the members of the opposition failed to attend the meeting complaining that they did not receive meeting notices.

(3) The collection of revenue is deplorably bad. The arrear demand amounted to Rs. 3,063 on 1st April 1937 and as much as Rs. 1,754 remained to be collected on 31st

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March 1938. The current demand for the year 1937–38 amounted to Rs. 4,802 and Rs. 2,277 remained uncollected at the end of the year. The total arrears thus rose up to Rs. 4,031 at the close of the year, i.e., more than a half of the total demand of Rs. 7,865. Subsequent collections up to 28th May 1938 amounted to Rs. 410 only. Three of the members belonging to the president's party were themselves in arrears. The president has not taken adequate steps to realize the arrears. The demand for house-tax is not settled promptly and bills issued. The decrees obtained against two lessees of avenues for Rs. 90 and Rs. 120, respectively have not been executed. The board has been indifferent to this and it has not also adjudicated on the outstanding tax appeals of which 33 cases are pending. The president moved the board to sanction the post of a special bill collector to expedite collection for four months on a salary of Rs. 10—15 per mensem but the board refused to sanction the creation of the post.

(4) Electric lighting has been introduced from 1st May 1937 but some of the hamlets especially the Adi-Dravida cheris have not been provided even with ordinary lighting though the board is incurring a heavy expenditure of Rs. 2,160 on this account.

(5) The financial position of the board is not sound. From the present sources the total revenues are not likely to exceed Rs. 4,500 but the total expenditure amounts to Rs. 5,000. There is a deficit of Rs. 500 to be made good every year and the deficit is due to the introduction of electric lighting which has involved the board in an additional expenditure of nearly Rs. 1,000. In spite of an increase in the expenditure on lighting the board has not cared to improve its finances by levying additional taxes to meet the extra expenditure.

(6) There are two mills of 20 h.p. each in residential quarters owned by the president. One is run by electricity and the other by an oil engine. A third mill is run by the ex-president with 30 h.p. engine in a suburb in residential area but it is an old one installed fourteen years ago. The provisions of section 194 of the Madras Local Boards Act were not complied with before licences were granted. Only in the case of the mill run by electric power the site has been approved by the District Health Officer. The panchayat board has not so far fixed any industrial area in spite of the repeated orders of Government.

This panchayat board was superseded by the Inspector in 1936 and it was re-constituted only on 15th March 1937. The conditions that prevailed in 1936 to justify supersession are still

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in existence in a greater degree and the Government consider that the Kodavasal Panchayat Board as at present constituted is incompetent to perform the duties imposed on it by law. They hereby call upon the Kodavasal Panchayat Board and the East Tanjore District Board to show cause within fifteen days from the date of receipt of this notice why the said panchayat board should not be superseded under section 45-A of the Madras Local Boards Act, 1920, as amended for a period of one year. The reply should be sent through the Inspector of Municipal Councils and Local Boards.

(By order of His Excellency the Governor)

L. J. MacIver,
Secretary to Government.

II

G.O. Ms. No. 2789, L.A., dated 21st July 1938.

Complaints were received from Sri K. Ramaswami Pillai of Tiruturaipundi that the President of the Tiruturaipundi Panchayat Board had not been convening meetings properly. The Deputy Inspector of Municipal Councils and Local Boards inspected the panchayat on 26th May 1938 and his inspection report reveals that—

(i) the collection work is very bad. Out of the total demand of Rs. 12,849 for 1937–38 only a sum of Rs. 6,289 was collected. There was an outstanding balance of Rs. 6,560 comprising large sums under house-tax, slaughter-house fees and lease of coconut garden.

As many as seven members including the vice-president were in arrears. One member who was formerly a lessee of the cart-stand owes Rs. 190 to the board and another who was formerly a lessee of the slaughter-house owes Rs. 145. The panchayat board has been indifferent and has not taken steps to see that collection was expedited.

(ii) agreements were not taken from the lessees of slaughter-houses in spite of the fact that some of the previous lessees had committed default in the payment of fees.

(iii) the panchayat board incurred law charges in respect of suits for the recovery of the revenues without getting the sanction of the Inspector; and

(iv) the devasthanam private market gets an income of Rs. 6,000 per annum. But the panchayat board gets only Rs. 300 as licence fees. During the inspection of the board in October 1935, the then Personal Assistant to the Inspector instructed the panchayat to levy a fee of at least 10 per cent on the gross income, the maximum

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leviable under Section 174 of the Madras Local Boards Act being 15 per cent. In spite of this instruction the panchayat board has continued to levy 5 per cent only.

Several of the members of the board are the devasthanam servants and would not be a party to making the devasthanam pay more, and would not vote for an enhancement of the devasthanam's contribution from its market income, lest they should be turned out of the houses owned by the devasthanam in which they live. Barely a year has elapsed since the panchayat board was reconstituted on 11th June 1937, but it has again lapsed into the old state of indifference which existed prior to its supersession in June 1936 and it is not interested in improving its finances.

The Government therefore consider that the Tiruturaipundi Panchayat Board as at present constituted is incompetent to perform the duties imposed on it by law. They hereby call upon the Tiruturaipundi Panchayat Board and the East Tanjore District Board to show cause within fifteen days from the date of receipt of this order why the said panchayat board should not be superseded for one year under section 45-A of the Madras Local Boards Act, 1920, as amended. The reply should be sent through the Inspector of Municipal Councils and Local Boards.

(By order of His Excellency the Governor)

L. J. MacIver,
Secretary to Government.

III

Proceedings of the special meeting held at the office of the Panchayat Board, Kodavasal, at 4 p.m. on Wednesday, the 20th July 1938.

President:

1 Sri K. S. Varadachariar, Vice-president in charge.

Members.

2 Sri O. R. Sambasiva Ayyar.
3 Sri K. R. Aravamuda Ayyangar.
4 Sri T. Virayya Sozhagar.
5 Sri A. K. Chinnayya Archuttiyar.
6 Janab M. Ismail Ravuttar.
7 Janab M. Abdul Khadar Ravuttar.
8 Sri P. Appadurai Udayar.
9 Sri S. Ponnuswami Pillai.
10 Sri R. Swaminatha Mudaliyar.
11 Sri A. Ramaswami Ayyangar.
12 Sri Virabhadra Samban.

* * *

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Consideration of G.O. No. 2688, L.A., dated the 13th July 1938, received from the Government of Madras asking the Kodavasal Panchayat Board to show cause why it should not be superseded for a period of one year under section 45 (A) of the Madras Local Boards Act.

[NOTE.—G.O. Ms. No. 2688, dated 13th July 1938, of the Government of Madras, Local Administration Department, is placed on the table.]

Sri O. R. Sambasiva Ayyar, one of the members present, says that, as a copy of the notice of supersession received from the Government has not been supplied to him and to others and as there has not been sufficient time to consider this subject, the consideration of the subject may be postponed to another date and that a copy of the notice may be sent to the members. Sri K. R. Aravamuda Ayyangar, one of the members present, proposes the following. Sri. A. Ramaswami Ayyangar seconds it.

Resolution No. 2.—G.O. Ms. No. 2688, dated the 13th July 1938, was read. It is stated in the aforesaid order that, as regards the financial condition of the Board, the Board's income is Rs. 4,500 while its expenditure is Rs. 5,000 and that it is therefore working at a loss. As it is thought that the Board will incur more loss if it is superseded for a period of one year in accordance with the aforesaid notice, as a new president is going to be elected in the place of the old president who has now resigned, as the majority of the members of the board believe that by their co-operation it will be possible to improve, within a period of three months, the administration of the board and its financial condition and as the majority of the members give an assurance that they will co-operate sufficiently in this behalf, the aforesaid Government Order may be kept in abeyance for a period of three months from this date. If thereafter the administration of the board and the collection of taxes do not improve, the board may be superseded in accordance with the Government Order. This Board resolves to make the aforesaid request and suggestion to the Government and the East Tanjore District Board. This resolution was moved by Sri K. R. Aravamuda Ayyangar and seconded by Sri A. Ramaswami Ayyangar. It was carried unanimously by the remaining eight members present excepting Sri O. R. Sambasiva Ayyar.

K. S. VARADACHAR,
Vice-president-in-charge.

21*st July* 1938.

IV

Extracts from the proceedings of the meeting of the Panchayat Board, Tiruturaipundi, dated the 3rd *August* 1938.

Anent the notice received from the Government of Madras regarding this Board.

The notice of supersession issued by the Government and the report of the president were read.

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Resolution No. 25.—Sri I. R. S. Murugayyan Chettiyar proposed and Sri Shanmukham Pillai seconded the motion that this board should be superseded. Sri Pandarinathan Chettiyar proposed and Sri Sarangapani Nayudu seconded the motion that the board need not be superseded inasmuch as it was working properly. As there was no other motion, the above motions were put to vote. Eight votes were recorded in favour of the motion that the board need not be superseded and three in favour of the motion that the board should be superseded. As a larger number of votes were recorded in favour of the motion that the board need not be superseded, it was resolved that the board need not be superseded.

A. K. CHANDRASEKHARAN,
President.

V

G.O. Ms. No. 3327, L.A., dated 26th August 1938.

READ—the following papers:—

G.O. Ms. No. 2688, L.A., dated 13th July 1938.

Proceedings of the Panchayat Board, Kodavasal, dated 20th August 1938.

Resolution No. 78, dated 25th July 1938, from the District Board, East Tanjore.

Order—No. 3327, *L.A., dated* 26*th August* 1938.

In their Order Ms. No. 2688, L.A., dated 13th July 1938, the Government called upon the Kodavasal Panchayat Board and the East Tanjore District Board to show cause why the Kodavasal Panchayat Board should not be superseded for the reasons specified therein.

At a meeting held on 20th July 1938 eight members of the panchayat have passed a resolution that the board will incur a loss if it is superseded for one year that as the president has now resigned, the majority of the members will work amicably under a new president and that the status of the panchayat will be improved within a period of three months and that the question of supersession may be deferred. In its Resolution No. 78, dated 25th July 1938, the District Board, East Tanjore, has requested its president to visit and enquire into the affairs of the panchayat board and place his report at its next meeting.

The panchayat board has not explained the charges framed against it. Several petitions are still being received from the villagers and the members some welcoming the supersession and others resenting it. That the board is torn by faction cannot be denied.

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The Government do not consider that an inspection of the panchayat by the president is in the circumstances necessary and do not therefore propose to wait till the report of the President, District Board, is received by the East Tanjore District Board and the matter considered by that board. In the opinion of Government the panchayat is incompetent to perform the duties imposed on it by law and that none but a competent special officer can improve the administration. They therefore direct that the panchayat board be superseded for a period of one year with effect from the date of publication of the appended notification in the *Tanjore District Gazette*.

The Senior Translator to Government is requested to have the notification translated into Tamil and to forward the translation at an early date to the Superintendent, Government Press, for publication in the district gazette.

Under sub-section (5) of section 45-A of the Madras Local Boards Act as amended read with section 45 (3) of the said Act, Government hereby appoint Sri C. R. Soundararajan as special officer of the Kodavasal Panchayat Board, and direct that during the period of supersession he shall exercise the powers, discharge the duties and perform the functions of the panchayat board and of its president except those relating to appeals (taxes and others) which shall be exercised by the District Panchayat Officer, East Tanjore. The special officer will draw a salary of Rs. 50 per mensem from the panchayat funds.

(By order of His Excellency the Governor)

L. J. MacIver,
Secretary to Government.

APPENDIX.

Notification.

Whereas the Kodavasal Panchayat Board in the Nannilam taluk of the Tanjore district as at present constituted is in the opinion of the Government of Madras incompetent to perform the duties imposed on it by law, they hereby direct that the said Kodavasal Panchayat Board shall be superseded under sub-section (1) of section 45-A of the Madras Local Boards Act, 1920, as amended for a period of one year with effect from the date of publication of the notification in the *Tanjore District Gazette*.

VI

G.O. Ms. No. 3479, L.A., dated 3rd September 1938.

Read—the following papers:—

G.O. No. 2789, L.A., dated 21st July 1938.

From the President, District Board, East Tanjore, dated 28th July 1938, R.C. No. 3558/38.

From the President, Panchayat Board, Tiruturaipundi, dated 5th August 1938, No. 142/38.

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Order—No. 3479, *L.A.*, *dated* 3rd *September* 1938.

In G.O. No. 2789, L.A., dated 21st July 1938, the Government called upon the Tiruturaipundi Panchayat Board, and the East Tanjore District Board to show cause why the Tiruturaipundi Panchayat Board should not be superseded for the reasons stated therein. In its resolution, dated 3rd August 1938, the panchayat board has requested that it may not be superseded. In its resolution No. IX, dated 25th July 1938, the East Tanjore District Board, suggested that in view of the assurance given by the president, panchayat board, to collect the arrears of taxes, etc., and to remedy defects as early as possible, the panchayat board need not be superseded. In view of the circumstances stated above the Government are pleased to drop the proposal to supersede the panchayat board for the present. They, however, warn the panchayat board that if early steps are not taken to remedy the defects and improve the administration they will be constrained to consider the question of supersession later.

2. The Inspector of Municipal Councils and Local Boards is requested to watch the administration of the panchayat board and submit a report to Government after the expiry of six months from the date of this order.

(By order of His Excellency the Governor)

L. J. MacIver,
Secretary to Government.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

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Appendix IV.

[Vide answer to starred question No. 101 asked by Sri Rao Bahadur M. Ramakrishna Reddi at the meeting of the Legislative Council held on the 14th December 1938, page 196 supra.]

Statement showing the number of persons charged under section (4) (1) (a) of the Madras Prohibition Act, 1937, in the Salem district and the nature of the sentences passed by the Magistrate and the appellate court.

Serial number.	Number of persons charged.	Nature of sentence passed by the trying magistrate.	Sentence awarded by the Appellate Court, if any.
(1)	(2)	(3)	(4)
		INDIANS.	
		Salem Town Circle.	
1937—			
1	1	Two months rigorous imprisonment ..	....
2	2	One sentenced to four months rigorous imprisonment and one to six months rigorous imprisonment.	....
3	2	Two months rigorous imprisonment each.	....
4	1	Two months rigorous imprisonment ..	....
5	1	Do. ..	....
6	1	Three months rigorous imprisonment ..	Reversed on appeal.
7	1	Two months rigorous imprisonment ..	....
8	1	Do. ..	....
9	1	Six months rigorous imprisonment ..	....
10	1	Two months rigorous imprisonment ..	....
11	1	Do. ..	....
12	1	Rupees 100 fine	....
13	1	Rupees 15 fine	....
14	1	Two months rigorous imprisonment ..	....
15	1	Do. ..	....
16	1	Do. ..	....
17	1	Four months rigorous imprisonment ..	....
18	1	Do. ..	....
19	1	Do. ..	....
20	1	Do. ..	....
1938—			
21	1	Six months rigorous imprisonment ..	....
22	1	Two months rigorous imprisonment and Rs. 30 fine.	....
23	1	Three months rigorous imprisonment.	....
24	1	Acquitted.	....
25	1	Six months rigorous imprisonment ..	....
26	1	Do. ..	....
27	1	Two months rigorous imprisonment ..	....
28	1	Do. ..	....
29	1	Do. ..	....
30	1	Do. ..	....
31	1	Four months rigorous imprisonment ..	....
32	1	Six months rigorous imprisonment ..	....
33	1	Acquitted	....
34	4	Five months rigorous imprisonment each.	Reduced to four months on appeal.
35	1	Two months rigorous imprisonment ..	....
36	1	Do. ..	....